

**REMARKS****Status**

This Amendment is responsive to the Office Action dated September 7, 2007, in which claims 1-15 were rejected. Claims 1 and 15 have been amended; and new claims 16 and 17 have been added. Accordingly, claims 1-15 are pending in the application, and are presented for reconsideration and allowance.

**Claim Objection**

The Examiner objected to claim 15 and this claim has been amended in view of the Examiner's comments. Withdrawal of the rejection is respectfully requested.

**Claim Rejection - 35 USC 103**

Claims 1-11 stand rejected under 35 USC 103 as being unpatentable over US Patent No. 6,951,536 to Yokoi, with US Patent No. 6,240,312 to Alfano and in view of WO 01/99703 to Nemeth (which corresponds to US 20020016719 A1). This rejection is respectfully traversed.

Yokoi discusses a capsule type camera for capturing images in a human when it is swallowed.

Alfano also discusses a capsule type camera for capturing images in a human when it is swallowed and includes in the camera filters and other mechanisms to improve sensitivity.

Nemeth is directed to distributing data to a third party based on configurable distribution parameters (see page 1). The system includes a wireless device that can relay the data and, particularly, the data is sent when the amount of data in a memory "exceeds a predetermined threshold" (see page 9). The medical data is limited to data about the "physical condition and composition of the patient" (see page 14+), such as particularly blood sugar, blood pressure, and pulse rate (see page 1). This data can be reviewed using the predetermined conditions to determine if an alert is warranted (see pages 9 and 22). The conditions include "readings outside of a predetermined range by being either too large or too small or if the rate of change of the readings exceeds a predetermined

threshold" or the conditions can be based on "non-compliance alerts" such as when the patient did not take a "glucose reading at noon or administering an insulin shot at 1 p.m." (see page 32).

As can be see from reviewing the above discussed prior art, the prior art at most discusses a system in which data is compared to a range or a threshold and an alert is issued. That the data is outside a range or threshold says nothing about the data being normal or abnormal.

In contrast, claim 1 calls for "automatically detecting one or more abnormalities" and the prior art does not teach or suggest such. Withdrawal of the rejection for this reason is requested.

Further, claim 1 calls for detecting abnormalities "in one or more of the in vivo images in the examination bundle". Nemeth says nothing about analyzing images but, as discussed above, is about patient condition data. Applying the range analysis of Nemeth to the images of Yokoi or Alfano could be for the purpose of filtering for "improving the sensitivity of disease diagnosis" noted in Alfano. There is no teaching or suggestion of doing so for detecting abnormalities. Indeed, the combination of Nemeth with Alfano tends to teach away from the claim 1 by being directed at improving sensitivity. Withdrawal of the rejection for these additional reasons is requested.

Claims 12-15 stand rejected under 35 USC 103 as being unpatentable over US Patent No. 6,951,536 to Yokoi, with US Patent No. 6,240,312 to Alfano with WO 01/99703 to Nemeth and in view of US Patent 5,836,872 to Kenet. This rejection is respectfully traversed.

Claims 12-15 depend from claim 1 and are patentable over the prior art for the reasons discussed above. Kenet, in particular adds nothing to the features of the invention discussed above.

### **New Claims**

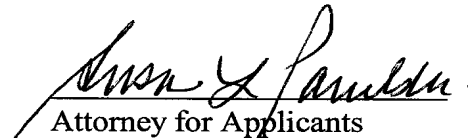
New claims 16 and 17 emphasize not only the abnormality detection discussed above but also doing so in real-time with a real-time alarm. Claim 17 further emphasizes the abnormality detection is by comparing to abnormality feature templates. Nothing in the prior art teaches or suggests such. It is submitted that these new claims, which are different and not narrower than prior filed claims, distinguish over the prior art.

### **Summary**

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

For the reasons set forth above, it is believed that the application is in condition for allowance. Accordingly, reconsideration and favorable action are respectfully solicited.

Respectfully submitted,

  
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